

MAUNAKEA STEWARDSHIP OVERSIGHT AUTHORITY

“Long Term - Transition Working Group”

Act 255, Part II, Section 7(a) provides that, “[O]n July 1, 2028, all rights, powers, functions, and duties of the University of Hawaii relating to the powers and responsibilities granted to the Mauna Kea stewardship and oversight authority under part I of this Act are transferred to the Mauna Kea stewardship and oversight authority.” The Act further provides under Part II, Section 9 that “[A]ll appropriations, records, equipment, machines, files, supplies, contracts, books, papers, documents, maps, and other personal property heretofore made, used, acquired, or held by the University of Hawaii relating to the functions transferred to the Mauna Kea stewardship and oversight authority shall be transferred with the functions to which they relate.” Pursuant to the foregoing provisions, and in order to accomplish a complete and timely transfer, assignment and transition of all real property and personal property made, used, acquired or held by the University of Hawaii to the Maunakea Stewardship Oversight Authority (“MKSOA”), it is recommended that a long-term transition working group (“LT-Transition Working Group”) be formed to facilitate and consummate said transfer.

The LT-Transition Working Group will be comprised of one (1) person each from the MKSOA, University of Hawaii (“UH”), and if necessary, the Department of Land and Natural Resources (“DLNR”). The working group is not intended to be a decision-making body nor to establish policy. The working group will be tasked to develop a real property and personal property transfer plan (“Transfer Plan”) that will accomplish the above on or by July 1, 2028. The working group may be assisted, as appropriate, by financial, physical plant, operations and legal staff from MKSOA and UH or consultants. The transfer Plan will be developed in accordance with the following stages.

Stage I. Develop an accurate inventory of all real and personal property held by UH related to the management and operational functions of Maunakea. Work on such an inventory has already commenced by UH and is expected to be furnished to MKSOA next year.

Stage II. After the inventory has been completed, each listed item will be reviewed and analyzed for fiscal, management and legal implications. Based upon this analysis a recommended course of action for each item will be determined. This will include, but not be limited to, the item’s need to be transferred to MKSOA, assignability, termination triggers, potential modification, assessment of transfer conditions, third party involvement, and time frame required for the transfer to be completed.

Stage III. To develop a draft Transfer Plan, and to seek input from MKSOA, UH, and DLNR (for applicable leases and permits) on the Transfer Plan draft. If there is general consensus on the draft Transfer Plan to then edit and revise as needed for submission to MKSOA, UH, and DLNR (if appropriate) for approval. The Transfer Plan will itemize each item as to its assignability, transferability (need to be transferred), and to point out penalties, conditions or requirements which may be triggered by an assignment.

Note: It is likely that there may be items which are unintentionally or mistakenly omitted from the Transfer Plan or circumstances may exist to warrant a post-closing assignment. The latter may be relevant, in particular, to leases and permit entitlements promulgated from DLNR, which are subject to the Board of Land and Natural Resources approval, and those leases or contracts which may involve the U.S. military, the Federal government or a foreign government. In light of this, modifications to the Transfer Plan and further approvals by the parties may be necessary.

Stage IV. The LT-Transition Working Group will monitor and facilitate the implementation of the Transfer Plan which may take 1 to 2 years, and report back to the parties on its progress to meet the July 1, 2028 deadline. The Transfer Plan may need to be modified if problems arise during the implementation of the Transfer Plan. Implementation of the Transfer Plan should commence in mid-2025 or earlier.